

**BOARD OF COMMISSIONERS
FOR THE
THE TOWN OF UPPER MARLBORO**

DRAFT

ORDINANCE: 2016-03

SESSION: Regular Town Meeting

INTRODUCED: September __, 2016

AN ORDINANCE OF THE TOWN OF UPPER MARLBORO TO BE ENTITLED “RESIDENTIAL EXTERIOR PROPERTY STANDARDS ORDINANCE” THEREBY REPLACING AND REPEALING ORDINANCE 88-1: LITTER AND WEEDS BY PROVIDING NEW SECTIONS REGARDING THE ORDINANCE’S PURPOSE AND AUTHORITY; APPLICABILITY AND SCOPE; AUTHORIZING THE OFFICE AND DUTIES OF CODE ENFORCEMENT OFFICER; PROVIDING FOR CERTAIN DEFINITIONS; ESTABLISHING AND DESCRIBING CERTAIN PROPERTY CONDITIONS OR CIRCUMSTANCES TO BE VIOLATIONS OF THE ORDINANCE; PROVIDING FOR A SYSTEM OF NOTICES OF VIOLATION OF STANDARDS AND PENALTIES FOR SUCH VIOLATIONS AND REPEAT VIOLATIONS; PROVIDING A PENALTY FOR FAILURE TO REGISTER WITH THE STATE CERTAIN FORECLOSED PROPERTIES; PROVIDING FOR THE ABATEMENT OF CERTAIN VIOLATIONS RELATING TO REAL PROPERTY BY THE TOWN; ESTABLISHING A TIMEFRAME FOR NOTICES OF STANDARDS AND PENALTIES FOR THE VIOLATION THEREOF; DESCRIBING THE TREATMENT OF RENTAL PROPERTIES; PROVIDING A PROCESS TO PURSUE A RIGHT TO APPEAL; PROVIDING A SEVERABILITY PROVISION AND ESTABLISHING CERTAIN FINES, FEES & PROMULGATION OF FINE AND FEE SCHEDULES TO BE MODIFIED BY RESOLUTION; AND GENERALLY RELATING TO RESIDENTIAL PROPERTY MAINTENANCE.

WHEREAS, pursuant to § 82-16(1) (General Powers) of the Town Charter, the Board of Commissioners shall have the power to pass all such ordinances not contrary to the Constitution and laws of the State of Maryland or the Town Charter as it may deem necessary for the good government of the Town; for the preservation of peace and good order; for securing persons and property from violence, danger or destruction; and for the protection and promotion of the health, safety, comfort, convenience, welfare, and happiness of the residents of the Town and visitors thereto and sojourners therein; and

WHEREAS, pursuant § 82-16(2) (hh) (Specific Powers; Liens) the Board of Commissioners shall have the power to provide that any valid taxes, assessments or charges made against any real property within the Town shall be liens upon such property from the date they became payable; and

WHEREAS, pursuant § 82-16(2)(nn) (Specific Powers; Nuisances) of the Town Charter, the Board is further empowered to prevent or abate by appropriate ordinances all nuisances in the Town whether the same be therein specifically named or not; and

WHEREAS, pursuant to LG Art., § 5-205(d)(1) of the Annotated Code of Maryland, a municipality may establish and collect reasonable fees and charges associated with the exercise of a governmental or proprietary function exercised by the municipality; and

WHEREAS, the Board of Commissioners finds it to be in the best interest of the Town to establish, update and readopt certain standards for the exterior maintenance of residential properties situated within the Town of Upper Marlboro and enforce such standards through an appointed official as further described below.

NOW, THEREFORE, the Board of Commissioners of the Town of Upper Marlboro, State of Maryland, does ordain and enact as follows:

RESIDENTIAL EXTERIOR PROPERTY STANDARDS ORDINANCE

SECTION 1: PURPOSE AND AUTHORITY

SECTION 2: APPLICABILITY AND SCOPE OF THE ORDINANCE

SECTION 3: CODE ENFORCEMENT OFFICER

SECTION 4: RESERVED

SECTION 5: DEFINITIONS

SECTION 6: VIOLATIONS

SECTION 7: NOTICE OF VIOLATION OF STANDARDS AND PENALTY FOR VIOLATION

SECTION 8: REPEAT VIOLATIONS

SECTION 9: VACANT AND FORECLOSED PROPERTIES

SECTION 10: TOWN ABATEMENT

SECTION 11: TIMEFRAME FOR NOTICES OF STANDARDS AND PENALTIES OF VIOLATION

SECTION 12: RENTAL PROPERTIES

SECTION 13: RIGHT TO APPEAL

SECTION 14: SEVERABILITY

SECTION 15: VIOLATION FINES, FEES & SCHEDULE

SECTION 1. PURPOSE AND AUTHORITY

A. The purpose of this Residential Exterior Property Standards Ordinance is to establish standards for the exterior maintenance of residential properties in the Town of Upper Marlboro, and to prevent conditions that threaten public health, safety or welfare of residents of, or visitors to the Town of Upper Marlboro. The Ordinance creates the office of Code Enforcement Officer for the enforcement of this and other ordinances, and also establishes a system of notifications and penalties for violations to enforce the standards and a process to appeal any penalties imposed.

B. The authority to provide for the general protection of health, safety, comfort, convenience, and welfare of Town residents and visitors is provided in Section 82-16 (General Powers) of the Charter of the Town of Upper Marlboro.

C. The authority to enact such regulations is provided in Section 82-16(vv) (Specific Powers; Regulations) of the Charter of the Town of Upper Marlboro.

D. The authority to impose fees and penalties for violating the regulations is provided in Section 82-18 (Enforcement) of the Charter of the Town of Upper Marlboro.

E. The authority to create new offices and appoint officers is provided in Section 82-59 (Authority to Employ Personnel) of the Charter of the Town of Upper Marlboro.

SECTION 2. APPLICABILITY AND SCOPE OF THE ORDINANCE

A. The provisions herein shall apply to all residentially-zoned real property located within the corporate limits of the Town of Upper Marlboro, whether improved or unimproved.

B. The Prince George's County Housing Code adopting with amendment the International Property Maintenance Code, 2000 Edition as found in Subtitle 13 of the Prince George's County Code and all divisions thereof as enforced by County officials shall remain in full force and effect within the corporate limits of the Town provided; however, that any conflict between this Residential Exterior Property Standards Ordinance or any other ordinances of the Town, and any provision of Subtitles 4 and 13 of the County Code shall be resolved in favor of the provision which establishes the higher standard for the promotion and protection of the health and safety of the people. Unless a provision of County legislation conflicts with a provision of this Ordinance, nothing herein shall be construed to prevent the jurisdiction, applicability or enforcement of the County's ordinances regarding property maintenance or nuisances within the corporate limits of the Town.

C. This Ordinance shall be construed liberally and justly to insure the public health, safety and welfare insofar as it pertains to residential property maintenance standards.

SECTION 3. CODE ENFORCEMENT OFFICER

A. This Ordinance shall be enforced by a sworn police officer or by an appointed Code Enforcement Officer of the Town. The Office of Code Enforcement Officer is hereby created, ratified and established by this Ordinance. The appointment of a Code Enforcement Officer shall be approved by

ordinance or written resolution. The Code Enforcement Officer shall be responsible to the Commission President.

B. A Code Enforcement Officer or officers appointed by the President, with the approval of the Board, shall have the following powers, authorizations, duties, qualifications and functions:

1. Subject to the requirements of the Board of Commissioners, the Code Enforcement Officer, shall, in addition to such other duties as may be assigned to him or her by the President, enforce such laws and ordinances relating to property, buildings and structures as may be specifically provided.
2. The Code Enforcement Officer shall not have any interest whatever, directly or indirectly in the sale or manufacture of any material, process or device entering into or used in or in connection with property maintenance or building construction within the Town.
3. The Code Enforcement Officer and/or a designated police officer may be authorized by the Board of Commissioners to enforce the Town's ordinances and may deliver a municipal infraction citation, criminal misdemeanor violation summons, charging document or criminal citation to any person alleged to be committing or to have committed a municipal infraction or other violation.
4. The Code Enforcement Officer shall examine premises and shall make necessary inspections to see that the provisions of applicable laws or ordinances are complied with and that maintenance or use therein is implemented pursuant to applicable laws. He or she shall, when requested by the Board or when the interests of the Town so require, make investigations in connection with matters referred to within Town ordinances and render written reports on the same. For the purpose of enforcing compliance with law, to remove illegal, nuisance or unsafe conditions, to secure the necessary safeguards, or to require adequate facilities in improved properties, he or she shall issue notices or orders as may be necessary.
5. Unless posted or informed otherwise (i.e, no trespassing), the code enforcement or police officer shall have the right, upon proper identification, to routinely enter upon private property so far as is necessary for the performance of duties.
6. The President is hereby authorized and empowered to establish additional regulations and duties for any assigned Code Enforcement Officer provided that said officer shall not be vested with police powers of arrest. Code enforcement officers are not authorized to carry firearms, and they shall not carry firearms while on duty. Said officers shall be assigned such duties as are civilian and administrative in nature that the President, from time to time, may direct, that are not inconsistent with the limitations and responsibilities set forth in Town ordinances, or State law and, in addition, the Code Enforcement Officer shall be vested with the authority to issue parking citations, criminal citations and citations for municipal infractions as expressly provided for in each applicable provision or section of the Town's ordinances.

7. The Code Enforcement Officer shall keep careful and comprehensive records of applications, of relevant permits or certificates issued, of inspections made, of reports rendered, and of notices, citations or orders issued.

C. In the absence or disability of the Code Enforcement Officer, the President with approval of the Board shall designate, by ordinance or written resolution, a qualified official or subordinate to discharge the duties of the Code Enforcement Officer. Nothing in this Section shall be construed to prevent the appointment of an existing Town employee and from having the additional or collateral duties of Code Enforcement Officer.

SECTION 4. RESERVED

SECTION 5. DEFINITIONS

In this Ordinance, the following words have the meanings indicated. Where terms are not defined, they shall have their ordinarily accepted meanings such as the context may imply.

A. Abandoned, junked, wrecked, or non-road worthy motor vehicle means any motor vehicle which is unregistered, improperly registered, or which is without current State of Maryland license tags unless (i) the State of Maryland expressly exempts such vehicles from registration requirements; (ii) it bears the license tags of another vehicle; (iii) it is disabled or inoperable; (iv) it is dismantled or partially dismantled; (v) it is substantially damaged or in disrepair; or (vi) it is unable to pass inspection by the Maryland Motor Vehicle Administration.

B. Accessory structure means a building or structure, retaining wall, wall or fence that is incidental to the main building, located on the property.

C. Agent means any person or company designated by the property owner to act for him or them.

D. Debris means any quantity or combination of litter, rubbish, garbage, tree limbs or branches, or motor vehicle parts.

E. Exterior property area means all areas external to improvements on the property or on unimproved property including the Town right-of-way and adjacent street curb and gutter. Exterior property area specifically excludes any trees along the Town right-of-way.

F. Foreclosed Property Registry means the foreclosed property registry established by the Maryland Department of Labor, Licensing, and Regulation under the Maryland Annotated Code, Real Property Article, § 14-126.1.

G. Garbage means putrescible animal, food and vegetable wastes resulting from the handling, preparation, cooking, or consumption of food.

H. Hazard means a situation, condition or action by a person that creates an environment that is unsafe or threatens public health, safety, or welfare.

I. Imminent threat means a situation, condition, or action by a person that creates an environment that immediately threatens public health, safety or welfare if not immediately remedied.

J. Litter means all combustible and noncombustible waste materials, except garbage; and the term shall include, but not be limited to, appliances, building, construction or remodeling materials or waste, bulk refuse, electronics or electronic recyclables, hazardous material or waste, household refuse, refuse, trash and yard waste, excluding organic compost piles, that is thrown, deposited or stored in or on private property or creates a nuisance or a threat to public health, safety and welfare.

K. Multiple Repeat Violator means any person that has been noticed for three or more violations of this Ordinance in an eighteen month (18) period.

L. Property Owner means one who has complete dominion over a particular property and in whom legal or equitable title rests, when applied to a building or land. Property Owner further means any part owner, joint tenant in common, tenant by the entireties, or joint tenant, of the whole or part of such building or land. Property owner may also include the owner or possessor of a leasehold interest in real property.

M. Paved Parking Area means any asphalt, bluestone, bricks, brick pavers, pervious pavers, crushed gravel, poured concrete, other hard rock surface or other masonry-like material completed in a professional manner, rolled to a smooth or level surface and maintained free of loose materials or excessive vegetative growth, situated on the property behind the property line and located and accessed in accordance with the provisions of the Prince George's County Zoning Ordinance.

N. Person means any individual, natural person, legal entity, joint stock company, partnership, voluntary association, society, club, firm, company, corporation, business trust, organization, owner, occupant, or any other group acting as a unit, principal or agent, or the manager, lessor, lessee, agent, servant, partner, member, director, officer or employee of any of them including an executor, administrator, trustee, receiver, or other representative appointed according to law.

O. Public nuisance means a situation, condition or action whereby a person creates an environment that is unsafe or threatens public health and welfare of the surrounding area or disturbs public peace.

P. Registry Law means Maryland Annotated Code, Real Property Article, §14-126.1.

Q. Repeat Violator means any person that has been noticed for two violations of this Ordinance in an eighteen (18) month period.

R. Rubbish means all non-putrescible combustible or non-combustible solid waste normally generated from running a household.

S. Board of Commissioners means the President and Commissioners of the Town of Upper Marlboro.

T. Vacant Property means a residence that is not occupied on a regular and habitual basis by the property owner or any other person for the usual and customary purposes for which the residence is designed and lawfully permitted.

U. Weeds means brush, plants, or any noxious growth that is injurious to public health, agriculture, recreation, wildlife or property. This definition excludes properly tended trees, ornamental plants, flowers, vegetable plants, or undisturbed woodland, not otherwise in violation of this Ordinance.

SECTION 6. VIOLATIONS

The following are considered violations of this Ordinance:

- A. Condition of Exterior Areas. All exterior property areas shall be maintained in a reasonably clean and sanitary condition, free from any accumulation of debris. If pests are found, the property owner shall initiate the extermination process which shall not be injurious to the health of humans or domestic animals.
- B. Tall Grass and Weeds. All exterior property areas shall be properly maintained and no grass or weeds more than ten (10) inches tall, other than annual or perennial cultivated flowers, and plants, bushes, shrubs, garden and yard plantings, and trees properly maintained by the property owner or agent shall be allowed to accumulate or grow on any private property. No vegetation shall be allowed to grow in, or into, the public curb, gutter or paved area of the right of way.
- C. Discarded Vehicles. It shall be unlawful for any person to discard any vehicle on any residential lot within the corporate limits of the Town.
- D. Vehicle Condition and Storage. No property owner or agent shall permit an abandoned, junked, wrecked, unregistered, or non-road worthy vehicle as defined in this Ordinance to remain on such property, except when enclosed in a garage.
- E. Motor Vehicle Parts. Exterior property areas shall not be utilized for the storage of motor vehicle parts.
- F. Building Materials. Exterior property areas shall not be utilized for the open storage of building materials, bathroom or kitchen fixtures, furniture, or lawn and garden equipment, irrespective of age or condition, except for routine garden maintenance equipment, outdoor lawn furniture, or materials used in construction or renovation projects with the appropriate Prince George's County and Town permits.
- G. Wood Storage. The storage of wood and other materials not proscribed by this Ordinance, including organic compost piles, shall be accomplished in a manner designed to avoid rodents, termites and other insect infestation. Wood shall be stored at least six (6) inches above the ground.
- H. Vegetation. All vegetation located on exterior property areas shall be maintained in such a way so as not to pose a danger or obstruction to adjoining property, pedestrians or vision of any motorist.
- I. Parking Surfaces. A paved parking area must be accessed by a curb cut unless granted an exception by the Board. The curb cut shall be constructed of poured concrete completed in a

professional manner, situated totally within the public right-of-way, where applicable; constructed in accordance with the road ordinance or construction codes of Prince George's County and located in accordance with the Prince George's County Zoning Ordinance. Grassy yards or other unpaved areas shall not be used for the parking of boats, motorcycles, motor vehicles of any type, trailers or similar items on a residential property except during a "snow emergency." All wheels of said vehicle(s) must be parked on an approved paved parking area in order to be in compliance with this Ordinance.

- J. Building Security. No property owner or agent shall allow vacant structures or property to become a public nuisance, safety or health hazard, or be in a condition that could encourage trespassing.
- K. Accessory Structures. No accessory structure shall pose a public health, safety hazard, or fall into disrepair. All accessory structures shall comply with Prince George's County and Town Ordinances and any improvements to such accessory structures shall be duly permitted. A Code Enforcement Officer or other Town designated representative may require a property owner, at the property owner's expense, to repair or replace a fence not in compliance with the Prince George's County Zoning Ordinance. Any fence repair or replacement shall comply with provisions regarding location, height, and material in the Prince George's County Zoning Ordinance.
- L. Identification. All premises shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property.

SECTION 7. NOTICE OF VIOLATION OF STANDARDS AND PENALTY FOR VIOLATION

A. Except for violations of the Registry Law, whenever the Code Enforcement Officer, a sworn police officer or other designated Town representative determines that there are reasonable grounds to believe that there has been, or is, a violation of any provision of this Ordinance or of any rule or regulation adopted pursuant thereto, the Code Enforcement Officer, sworn police officer or designated representative shall give notice of such alleged violation to the person or persons responsible therefore, as herein after provided unless otherwise noted in this Ordinance. Such notice shall:

- 1. Be in writing;
- 2. Include a description of the real property sufficient for identification;
- 3. Include a statement of the reason why the notice is being issued with reference to the Section of this Ordinance violated;
- 4. Allow time, as set forth in this Ordinance, for the remedial action required to correct the violation; and
- 5. Contain:

- a. An outline of the remedial action which, if taken, will effect compliance with the provisions of this Ordinance and with the rules and regulations adopted pursuant thereto, if any; and
- b. The requirement that the violation must be fully corrected within the timeframe, as specified in Section 10 of this Ordinance. For each additional prescribed period that the violation is not fully corrected, notice will be issued of the fine amount as due and payable to the Town of Upper Marlboro. Fines for failure to take remedial action shall be established by Resolution of the Board of Commissioners, but shall not exceed the amount of one thousand dollars (\$1,000.00). Failure to pay a fine may result in the amount of any fine or fines imposed to be collected in the same manner as delinquent Town taxes.

B. Service of notice that a person and/or property is in violation shall be as follows:

1. By delivery to the property owner or agent personally or by leaving the notice at the usual place of abode of the property owner or office of the agent with a person of suitable age and discretion who shall be informed of the intent thereof; or
2. By appropriate means of mail addressed to the property owner or agent at the address provided to the Town by the property owner or agent with postage prepaid thereon with return receipt requested, or if said letter is returned with receipt showing non-delivery, then
3. By posting a copy of the notice in a conspicuous place on the premises affected by such notice.

SECTION 8. TOWN ABATEMENT

Provided that notice has been served pursuant to Section 7 of this Ordinance, the Town of Upper Marlboro and its officials, employees and agents shall have the right, after thirty (30) days of continued violation, to enter onto the premises of the property in violation to abate any violation. The costs of such abatement shall be charged to the property owner and after attempting to deliver an invoice payable within thirty (30) days to the property owner may be collected in the same manner as delinquent Town property taxes. If the property is vacant, and upon serving notice the Town shall have the right to abate after fifteen (15) days of continued violation.

SECTION 9. VACANT AND FORECLOSED PROPERTIES

A. In the event that a Code Enforcement Officer, sworn police officer or other Town designated representative determines that the condition of a vacant property constitutes a violation, a responsible person or occupant shall be notified of the violation of this Ordinance by certified mail and have fifteen (15) calendar days to correct the violation. If, after fifteen (15) days from the date of notification, the violation has not been corrected, the Town of Upper Marlboro and its officials, employees and agents shall have the right to enter upon the premises of the property in violation to abate any and all violations. Failure of the property owner to pay the Town within

thirty (30) days for the cost of abatement upon the Town's reasonable attempt to deliver an invoice may result in collection in the same manner as delinquent Town property taxes.

B. All foreclosed properties within the Town shall register with the State of Maryland Foreclosed Property Registry. Failure to register a property located in the Town under the Registry Law shall be a municipal infraction punishable by a fine of up to one thousand (\$1,000.00) or as otherwise established from time to time by Resolution.

C. The Code Enforcement Officer shall obtain access to the Foreclosed Property Registry and maintain an updated list of all known vacant residential properties, and corresponding contact information, located within the Town.

SECTION 10. TIMEFRAME FOR NOTICES OF STANDARDS AND PENALTIES OF VIOLATION

The definitions below provide categories of timeframes for issuing the initial violation notice, a subsequent violation notice and assessment of penalties and fines.

1. First Offense: a person shall have fifteen (15) days from the time the correction notice has been issued to correct the violation. If, after fifteen (15) days, the violation has not been corrected, another notice to correct which imposes a fine shall be issued. A recurring and cumulative fine and subsequent notice to correct shall be issued in seven (7) day intervals thereafter until the violation is corrected.
2. Repeat Offender: a person shall have seven (7) days from the time the correction notice was issued to correct the violation. If, after seven (7) days, the violation has not been corrected, another notice to correct which imposes a fine shall be issued. A recurring fine and notice to correct shall be issued in seven (7) day intervals thereafter until the violation is corrected.

SECTION 11. REPEAT VIOLATIONS

A. Unless otherwise noted in this Ordinance, any two (2) violations occurring within an eighteen (18) month period shall be considered a repeat of any previous violation and the property owner or agent shall be deemed a repeat violator. Repeat violations are subject to Town abatement if not corrected within twenty-one (21) days. The costs of such abatement may be charged to the property owner and may be collected in the same manner as delinquent Town taxes. A repeat violation may pertain to a subsequently noticed violation of the same or a different subsection of Section 6 of this Ordinance.

B. Unless otherwise noted in this Ordinance, if a property is issued three (3) or more notices for the same violation occurring within an eighteen (18) month period, the property shall become subject to immediate fines.

SECTION 12. RIGHT TO APPEAL

- A. Any person affected by any notice of violation and subjected to a fine may elect to appeal to the Board of Commissioners as follows:

1. Any person affected by any notice of violation which had been issued in connection with the enforcement of any provision of this Ordinance and subject to a fine may request and shall be granted a hearing on the matter by the Board of Commissioners, provided that such person shall within ten (10) days after service of a notice of violation, file with the Board of Town Commissioners a signed written notice of administrative appeal, requesting a hearing and setting forth a brief statement of the reasons therefore. Upon receipt of such notice of appeal, the Board of Commissioners shall set a time and place for such hearing and shall determine such appeals as promptly as practicable. The Board of Commissioners, with a quorum present, shall hear such appeals.
 2. After such hearing, the Board of Commissioners may, by a majority of members present, affirm, amend, modify, rescind or withdraw the notice of violation with any assessed fine that has been appealed. Any person who shall fail, refuse or neglect to comply with the decision of the Board of Commissioners shall be deemed guilty of violating the provisions of this Ordinance.
 3. In the event a person affected by a notice of violation and subjected to a penalty wishes to contest the decision of the Board of Commissioners, he or she may notify the Town Clerk or designee of his or her intent within ten (10) days after the rendering of the decision by the Board of Commissioners. In such event, the Town shall issue a municipal infraction citation to the affected person who may request a de novo trial in the District Court of Maryland for Prince George's County pursuant to Md. Ann. Code, Local Government Article, Title 6. The decision of the Board of Commissioners in such a case shall be stayed, pending adjudication of the matter by the District Court of Maryland for Prince George's County. To the extent of this Section of the Ordinance, any notice of violation of this Ordinance previously issued and made subject to adjudication shall be considered a municipal infraction of the Town.
- B. Failure to pay any fine and/or cost of abatement included in a judgment awarded pursuant to adjudication may result in the amount of any fine, fee or cost imposed or sanctioned by the court to be collected in the same manner as delinquent Town property taxes.
- C. An appeal of an assessment or collection of any fee or cost to abate any violation as permitted by this Ordinance that was not awarded pursuant to adjudication by the court may be sought pursuant to the procedures provided in Subtitles 4 and 9 of Title 13 of the Tax-General Article of the Md. Ann. Code.

SECTION 12. RENTAL PROPERTIES

All rental properties within the cooperate limits, regardless of zoning, shall be properly licensed and inspected, as required, by Prince Georges County. The Town shall notify the County in a timely manner of any unlicensed rental properties found as they are discovered.

SECTION 13. SEVERABILITY

If any section or part of a section of this Ordinance shall be held invalid by a court of competent jurisdiction, such holding shall not affect the remainder of this Ordinance.

SECTION 14. VIOLATION FINES, FEES AND SCHEDULE

A. Unless otherwise stated herein, violation of any provision of this Ordinance shall be subject to a fine and/or fee, which may be set or changed from time to time by resolution of the Board of Commissioners. Failure to pay any fee, fine, late fee and/or costs to abate, or incurred to repair damage to Town property such as aprons, curbs, gutters, sidewalks, or streets will result in the amount of any fine, late fee or repair costs incurred being recorded as a lien against the property and collected in the same manner as delinquent taxes.

B. A late fee not to exceed \$25 may be assessed for any fine, charge or invoice for abatement that is left unpaid for more than 30 days. A late fee may not be assessed unless included in the judgment if the violation is adjudicated in the District Court.

C. The initial fine and fee schedule established by this Ordinance is as follows:

CATEGORY OF VIOLATION (§ 6, SUBSECTION)	Fine, 1st Offense	Repeat, Multiple Offense
A. Condition of Exterior Property Areas	\$50	\$100
B. Tall Grass and Weeds	\$50	\$100
C. Discarded Vehicle	\$50	\$100
D. Vehicle Condition & Storage	\$50	\$100
E. Motor Vehicle Parts	\$50	\$100
F. Building Materials	\$50	\$100
G. Wood Storage	\$50	\$100
H. Vegetation	\$50	\$100
I. Parking Surfaces	\$25/ incident	\$25
J. Building Security	\$50	\$100
K. Accessory Structures	\$50	\$100
L. Premises Identification	\$50	\$100

AND BE IT FURTHER ENACTED AND ORDAINED by the Board of Commissioners of the Town of Upper Marlboro, Maryland that said Board may set the fines, penalties, and fees associated with violating this Ordinance from time to time by resolution.

AND BE IT FURTHER ORDAINED AND ENACTED, by the Board of Commissioners

of the Town of Upper Marlboro, Maryland that any prior ordinances adopting and enacting any provision of this Ordinance or any other ordinance or resolution previously adopted pertaining to a subject or subjects embodied by the title of this Ordinance or the provisions found in conflict herein shall be deemed repealed and superseded by the provisions of this Ordinance, and should a previously enacted ordinance cover a provision or subject that is not covered by this Ordinance, it shall remain in full force and effect unless it directly conflicts with the express language of this Ordinance.

AND BE IT FURTHER ORDAINED AND ENACTED, by the Board of Commissioners of the Town of Upper Marlboro, Maryland that this Ordinance 2016-03 upon taking effect shall replace and repeal Ordinance 88- 1: Litter and Weeds.

AND BE IT FURTHER ORDAINED AND ENACTED, by the Board of Commissioners of the Town of Upper Marlboro, Maryland that this Ordinance shall become effective at the expiration of twenty (20) calendar days following approval by the Board of Commissioners.

AND BE IT FURTHER ORDAINED AND ENACTED, by the Board of Commissioners of the Town of Upper Marlboro, Maryland that Deputy Clerk Kyle Snyder is hereby appointed to serve as Code Enforcement Officer of the Town with all powers, authority, responsibilities, immunities and privileges thereunto pertaining.

AND BE IT FURTHER ORDAINED AND ENACTED, by the Board of Commissioners of the Town of Upper Marlboro, Maryland that this Ordinance shall be posted in the Town Hall office, and it or a fair summary thereof, shall be published once in a newspaper of general circulation in the Town.

Adopted this _____ day of _____, 2016.

THE TOWN OF UPPER MARLBORO,
BOARD OF COMMISSIONERS

Nancy C. Clagett, Commissioner

Linda Pennoyer, Commissioner

Attest:

Clerk

James Storey, President